

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SCOTT BOYD, <i>on behalf of himself</i> <i>and all others similarly situated,</i>)	
)	Case No. 1:22-cv-00825-LY
)	
Plaintiff,)	
)	
v.)	
)	
PUBLIC EMPLOYEES CREDIT UNION,)	
)	
)	
Defendant.)	

**PLAINTIFF’S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Plaintiff Scott Boyd (“Plaintiff”), on behalf of himself and all others similarly situated, respectfully moves this Court to:

1. Preliminarily approve the Settlement described in the “Settlement Agreement” between Plaintiff and Defendant Public Employees Credit Union (“Defendant” or “PECU,” and, together with Plaintiff, the “Parties”), attached as **Exhibit 1** to Plaintiff’s Memorandum of Points and Authorities in Support of this Motion (“Memorandum”), and the accompanying exhibits, including the Claim Form, the Short Notice, the Long Notice, the [Proposed] Order Granting Preliminary Approval of Class Action Settlement (“{Proposed] Preliminary Approval Order”), and the [Proposed] Final Order and Judgment Granting Final Approval of Class Action Settlement (the “[Proposed] Final Order and Judgment”), attached to the Settlement Agreement as **Exhibits A through E**, as fair, reasonable, and adequate;
2. Provisionally certify the Settlement Class pursuant to Federal Rule of Civil Procedure 23 for settlement purposes only;

3. Approve the Notice program set forth in the Settlement Agreement, including the use of Notices substantially similar to those attached as **Exhibits A and B** to the Settlement Agreement;
4. Designate Plaintiff Scott Boyd as Class Representative;
5. Designate Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC as Settlement Class Counsel;
6. Approve the retention of Kroll Settlement Administration LLC as Claims Administrator;
7. Approve the procedures set forth in Sections 4 and 5 of the Settlement Agreement for Settlement Class Members to exclude themselves from the Settlement Class or to object to the Settlement;
8. Approve the use of a Claim Form substantially similar to that attached as **Exhibit C** to the Settlement Agreement;
9. Stay the Action of otherwise adjourn litigation deadlines pending Final Approval of the Settlement;
10. Stay and/or enjoin, pending Final Approval of the Settlement, any actions brought by Settlement Class Members concerning Released Claims; and
11. Schedule a Final Fairness Hearing for a time and date convenient for the Court, at which the Court will conduct an inquiry into the fairness, reasonableness, and adequacy of the Settlement, final approval of the Settlement, and consideration of Settlement Class Counsel's Motion for Award of Fees, Costs, Expenses, and Service Award for the Class Representative.

This Motion is based upon: (1) this Motion; (2) the Memorandum; (3) the Declaration of Gary M. Klinger in Support of this Motion, attached as **Exhibit 2** to the Memorandum; (4) the

Declaration of Scott M. Fenwick, Senior Director of Kroll Settlement Administration LLC, attached as **Exhibit 3** to the Memorandum; (5) the Settlement Agreement; (6) the Notices of Class Action Settlement (both Short and Long Notice); (7) the Claim Form; (8) the [Proposed] Preliminary Approval Order; (9) the [Proposed] Final Order and Judgment; (10) the records, pleadings, and papers filed in this action; and (11) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

Dated: December 16, 2022

Respectfully submitted,

By: /s/ Gary M. Klinger
Gary M. Klinger, Esq. *(admitted PHV)*
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN PLLC
227 W. Monroe Street, Suite 2100
Chicago, IL 60606
Tel: (866) 252-0878
Fax: (865) 522-0049
Email: gklinger@milberg.com

Mr. Joe Kendall, Esq.
KENDALL LAW GROUP PLLC
3811 Turtle Creek Blvd., Suite 1450
Dallas, TX 75219
Tel: (214) 744-3000
Fax: (214) 744-3015
Email: jkendall@kendalllawgroup.com

Counsel for Plaintiff and the Putative Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 16, 2022, the foregoing document was filed via the Court's ECF system, which will cause a true and correct copy of the same to be served electronically on all ECF-registered counsel of record.

/s/ Gary M. Klinger
Gary M. Klinger